IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9673 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE INFORMATION
DEPT. EMPLOYEES ASSO. CALSS-III - Petitioner
Versus
STATE OF GUJARAT & 2 - Respondents

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Appearance :
NOTICE SERVED for Petitioner(s) : 1,
MR DIPEN DESAI, A.G.P. for Respondent(s) : 1 - 2.
MR DA BAMBHANIA for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 05/04/2007

ORAL JUDGMENT

1. By way of this petition, under Article 226 of the Constitution of India, the petitioner – Gujarat State Information Department Employees Association Class – III, has prayed for an appropriate order or direction directing the respondents- State Government to revise the pay scale of the Members of the petitioner – Association working under the Gujarat State Information Department in different offices in the cadre of Senior Clerk / Sub – Accountant, Assistant Supdtt. / Asst. Accountant and Superintendent so as to see that they get the same pay scale which is given to Assistant, Section Officer and Under Secretary in Secretariat respectively with effect from 01.01.1986.

2. The learned Advocate appearing on behalf of the petitioner has been elevated to the Bench of this Court. The Registry issued notice upon the petitioners to make alternative arrangement and the endorsement on the Board shows that the petitioner is served. Though served nobody appears on behalf of the petitioner.

3. Shri Dipen Desai, learned Assistant Government Pleader has submitted that controversy raised in the present Special Civil Application with regard to anomaly in the pay scale, was referred to the Pay Anomaly Committee and the Pay Anomaly Committee has submitted its report to the Sub-Committee and said Sub-Committee has considered the same. The report is at present with the State Government for its

consideration. It is required to be noted that this Special Civil Application was ordered to be heard with Special Civil Application No. 4329 of 1996. It is submitted that in both the petitions identical question are raised. It is reported that Special Civil Application No. 4329 of 1996 has been disposed of by this Court by order dated 14.02.2007 directing the State Government to consider the report by the Pay Anomaly Committee as well as Sub-Committee and take an appropriate decision with regard to the pay anomaly and on all other questions, which have been raised in the present Special Civil Application, as early as possible but not later than 3 (three) months from the date of receipt of this order. The State Government to communicate the decision to the petitioner within a period of 15 (fifteen) days thereafter. It is however made clear that this Court has not expressed any opinion on merits in favour of either parties. It goes without saying that if any adverse decision is taken, it will be open for the petitioner to challenge the same by way of appropriate proceedings.

4. With these, the present petition is disposed of. Rule discharged. No costs.

[M.R.Shah, J.]

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